

EXHIBIT I

From: [Provance, Matthew D.](#)
To: [Wedgworth, Peggy](#)
Cc: [Miller, Britt M.](#); [SERVICE-EXTERNAL-DMS-MDL](#)
Subject: [EXTERNAL] RE: DMS - Motion to Compel Rog Responses follow up
Date: Friday, September 6, 2019 3:36:43 PM
Attachments: [image001.png](#)

Dear Peggy –

Thanks for your note. We confirm that CDK's present quantification of damages sought from the named Dealership Counter-Defendants is disclosed in the reports served by CDK's experts on August 26, 2019. CDK expressly reserves the right to amend or supplement the opinions of its experts concerning damages in accordance with the Federal Rules and to the extent that new information becomes available. CDK also reserves the right to seek all non-monetary relief available under its counterclaims, and to assert any and all claims, including claims for damages, as may be appropriate against any absent members of the putative Dealership Class who may bring claims against CDK separately.

Thanks,
Matt

Matthew Provance

Partner

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From: Wedgworth, Peggy <pwedgworth@milberg.com>
Sent: Thursday, September 05, 2019 8:56 AM
To: SERVICE-EXTERNAL-DMS-MDL <SERVICE-EXTERNAL-DMS-MDL@lists.kellogghansen.com>
Cc: Miller, Britt M. <BMiller@mayerbrown.com>; Provance, Matthew D.
<MProvance@mayerbrown.com>
Subject: FW: DMS - Motion to Compel Rog Responses follow up

****EXTERNAL SENDER****

Sending again as some did not receive this.

Britt and Matt,

In order to efficiently address issues before the Court, we write to clarify CDK's outstanding interrogatory responses and CDK's accompanying MTC opposition brief filed yesterday. We do not wish to unnecessarily burden or confuse the Court by seeking to compel information that relates solely to counterclaims that CDK is no longer pursuing.

As you know, CDK has represented that its expert reports would quantify the damages sought by CDK against each dealer counter-defendant. *See, e.g.*, CDK Global, LLC's Responses and Objections to Dealership Class Plaintiffs' First Set of Interrogatories Concerning CDK's Counterclaims (dated July 3, 2019), at 16 ("A quantification of the damages CDK seeks is a

subject for expert opinion testimony, which CDK intends to disclose in accordance with the expert disclosure deadlines established by the Court.”); ECF No. 751, at 1 (“[T]hose portions of the Dealers’ motion seeking to compel more detailed disclosures of CDK’s damages calculation are entirely moot in light of CDK’s expert report on that issue, served last week.”).

We have reviewed CDK’s expert reports. Except for CDK’s purported statutory damages related to the Continental and Warrensburg counter-defendants’ alleged violations of the Digital Millennium Copyright Act (“DMCA”), the reports provide no quantification of any damages allegedly suffered by CDK due to counter-defendants’ alleged breach of contract, or violations of the DMCA or the Computer Fraud and Abuse Act. In light of the foregoing, we conclude that the only damages CDK seeks against any of the named plaintiffs are those set forth in Daniel L. Rubinfeld’s CDK Expert Report at ¶¶ 78-79 (including Table 5) that reference Continental and Warrensburg.

Please let us know by Friday, September 6, if you disagree with the above as we are preparing our MTC reply papers.

Regards,

Peggy Wedgworth, Esq.

Partner



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